



**Testimony of Kia F. Murrell
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Before the Committee on Labor and Public Employees
Hartford, CT
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S.B. 352 AA Creating a Process for Family Child Care Providers to Collectively Bargain with the State

H.B. 5433 AA Creating a Process for Personal Care Attendants to Collectively Bargain with the State

Good Afternoon Senator Prague, Representative Zalaski and other members of the Committee. My name is Kia Murrell and I am Associate Counsel at the Connecticut Business and Industry Association (CBIA). CBIA represents more than 10,000 companies throughout the state of Connecticut, but most of our members are small businesses of 50 or fewer employees.

SB 352 and HB 5433 establish a process for family child care providers and personal care attendants to unionize and collectively bargain with the state. These bills were introduced pursuant to Executive Orders 9 & 10 issued by Governor Dannel P. Malloy in September 2011. In the orders the Governor established Councils or working groups of industry stakeholders and charged them with the task of developing procedures for unionization for each industry (ie, child care and personal care attendants).

We oppose SB 352 and HB 5433 as unnecessary encroachments into labor relations in the affected industries at state taxpayers' expense and without a compelling public policy justification for doing so. We offer the following reasons for our opposition:

- The bills are based on Governor Executive orders that were issued without legislative oversight and public input;
- Requiring all family child care and personal care workers to unionize is unnecessary;
- Mandatory unionization disregards industries norms and practices that allow workers flexibility. That flexibility keeps business and service costs under control;
- Unionization will limit the choices of the customers who rely on and negotiate directly with their personal care attendants for working conditions and benefits; and
- The bills implement a union "card check" procedure for union elections that is likely pre-empted by federal law.

Executive Orders 9 & 10 were the subject of much controversy when they were issued last fall. Much of the controversy surrounded the fact that the orders were done outside of the normal legislative process, without public input and consideration. Another criticism was that the orders failed to consider the implications of unionization on all members of the affected industries,

namely the customers- those using the services. We share those concerns and find SB 352 and HB 5433 to lack an appreciation for the fiscal, practical and other impacts that unionization of these industries may have on the costs of these services for the public at large.

SB 352 and HB 5433 also disregard the customary practices and norms of the affected industries. Daycare and personal care businesses typically operate on thin profit margins that depend of state grants and assistance. For many, their insurance costs are high and their state funding has declined in recent years. Many employers rely on part-time staff, independent contractors and a sometimes transient workforce which work flexible hours according to their own schedules. SB 352 and HB 5433 would limit their flexibility and disregard their autonomy by requiring that all workers, even independent ones, to unionize and work under similar conditions.

Moreover, SB 352 and HB 5433 establish a union card check mechanism for union elections, whereby a simple majority of workers may sign petitions or cards designating a particular bargaining unit. There is no requirement that union organizers fully explain the benefits and detriments of an election on working conditions and employment benefits. It has been held time and again that state union card check legislation may be pre-empted by federal law, so without a compelling reason for doing so, this legislation could needlessly subject the state to increased litigation costs at a time when the state budget can least afford it.

For all of the reasons set forth above, we oppose SB 352 and HB 5433 and urge the Committee to reject them.